GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Backward Classes Welfare Department - Allegations of Corruption and acquisition of assets disproportionate to the known Sources of Income against Sri R.Kanaka Simhachalam, the then DBCWO, Vizianagaram District – Charge sheet filed – Withdrawal of prosecution - Orders – Issued.

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BACKWARD CLASSES WELFARE (D) DEPARTMENT

G.O.Rt.No. 51 **Dated:07-03-2022.**
Read the following:-

1. Letter No.68/RCA-VSK/2011, dt: 16.05.2011 of the DG. ACB., A.P., Hyderabad.
2. G.O.Ms.No.17, BCW (VIG.Cell.A2) Department, dated:04.06.2011.
3. From the DG, ACB, Hyd., Letter No.68/RCA-VSK/2011-S.12, dt: 20.06.2016.
4. Govt. Memo.No.1031/VIG./D1/2011-17, dated:07.08.2017.
5. Govt. Memo.No.1031/Vig.D1/2011, dt.07.05.2018 & 14.06.2018
6. From the D.G., ACB, Vijayawada, Lr.No. 68/RCA-VSK/2011-S.12, dt:07.01.2019.
7. Reptn. of Sri R.Kanaka Simhachalam, the then DBCWO, Vizianagaram District, dt.01.12.2019.
8. Govt. Memo.No.1031/VIG.D1/2011-19, dated:23.12.2019.
9. From the D.G., ACB, Vijayawada, Rc.No. 68/RCA-VSK/2011-S.12, dt:19.05.2020.

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ORDER:

In the reference 1st read above, the Director General, Anti Corruption Bureau, A.P., Hyderabad has reported that Sri R.Kanaka Simhachalam, the then DBCWO, Vizianagaram District (A.O-1) and his son Sri R.Venkata Rama Chandra Sekhar, Teacher (A.O-2) by indulging in corrupt practices had acquired huge assets in his name and in the names of his family members; and hence, a case in Crime No.6/RCA-ACB-VZM/2011 u/sec:13(2) r/w 13(1) (e) of the Prevention of Corruption Act, 1988 r/w 109 IPC was registered on 21.03.2011.

2. Further, the Director General, Anti Corruption Bureau, Hyderabad has requested the Government to authorize the Investigating Officer of the case of Anti Corruption Bureau, Vizianagaram Range, Vizianagaram for filing an application in the court of Special Judge for Anti Corruption Bureau Cases, Visakhapatnam for attachment of the properties worth Rs.1,06,82,856-85 described in the Annexure 1 to XI, under Sections 3 of the criminal law Amendment Ordinance 1944. Accordingly, Government, vide G.O. 2nd read above, have issued orders authorizing the Investigating Officer of the case of Anti Corruption Bureau, Vizianagaram Range, Vizianagaram for filing an application in the court of Special Judge for Anti Corruption Bureau Cases, Visakhapatnam for attachment of the properties.

3. In the reference 3rd read above, the Director General, Anti Corruption Bureau, A.P., Hyderabad has furnished the final report and recommended to prosecute the A.O-1 Sri Rongali Kanaka Simhachalam, (AO-1), the then District BC Welfare Officer in a Court of Law for the offense u/sec. 13(2) r/w 13(1) (e) of the Prevention of Corruption Act 1988 and also to initiate departmental action against Sri Rongali Kanaka Simhachalam, (AO-1) under AP Revised Pension Rules, 1980 in rule 9(2) (b) r/w 9(1) c (2), 9 r/w Rule 9(7) & 9 r/w Rule 8(1) (a) of APCS (Conduct) Rules 1964; and also stated that, prosecution sanction order is not required for A.O-1, as he was retired from the Government service.

(P.T.O)

4. The Director General, Anti Corruption Bureau, A.P., Hyderabad, vide final report dt.20.06.2016, has furnished the details of income, expenditure, and assets, which are tabulated as under:

Item	**According to ACB Final Report (in Rs)**
Total Income of the A.O	84,23,782.00
Total Expenditure of the A.O	67,28,346.00
Likely savings	16,95,436.00
Total Assets of the A.O	1,00,76,279.00
Disproportionate Assets = (Assets-savings)	83,80,843.00

5. Whereas, Sri R.Kanaka Simhachalam, DBCWO (Rtd) had submitted several representations before the Govt. for withdrawal of prosecution and also for dropping further action in the matter. The Accused Officer (AO) in his representation has stated that, the Agricultural income, money transfers (salary income) from his elder son, capital GPF withdrawals, income received by the sale of properties, bank loans etc. and thus, the total amount of Rs.1,83,45,128/- were not taken into consideration by the ACB officials during the surprise check period. While mentioning the details of his income from various sources, the AO has stated that the ACB officials have attached others' assets to him and shown disproportionate assets and therefore, he has requested for departmental action duly withdrawing the prosecution.

6. The A.O-1, Sri R.Kanaka Simhachalam, DBCWO (Rtd) has further stated that, the ACB authorities, while computing his income as Rs.58,20,573/-, have ignored the income of Rs.1,83,45,128/- as mentioned here under:

S.No.	Income	Amount in Rs.
i)	Agricultural income as per MSP rates issued by Agriculture and Horticulture Officers, certified by Tahsildar	47,21,615
ii)	Elder son Bank transfers and his salary savings given to AO-1	32,26,185
iii)	Mortgage loan from Indian Overseas Bank	10,00,000
iv)	Income received by sale of properties	54,92,630
v)	G.P.F. withdrawals of A1	6,35,000
vi)	G.P.F. final payment of A1	1,57,558
vii)	APGLI claim of A1	83,789
viii)	Streedhana towards Pasupu kumkuma received by daughters-in-law of A1	18,00,000
ix)	Hand loan, Sale of Gold, TA of A1	12,15,651
x)	Salary arrears of AO-2 which are not considered by the ACB)	12,700
	TOTAL Rs.	1,83,45,128

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7. Further, the AO-1, has furnished the details of comparison of income, expenditure, and assets as assessed by the ACB authorities and assessed by him, which are tabulated as under:

Item	Assessed by ACB (in Rs)	Assessed by A.O. (in Rs)
Income	58,20,573.00	2,41,65,701
Expenditure	75,48,449.45	29,07,187
Assets	1,18,14,678.85	54,36,895.85
Disproportionate Assets	(-)1,35,42,555.30	(+)1,58,21,618.15

8. Sri R. Kanaka Simhachalam (A.O), in his representation has requested for withdrawal of C.C.32/18 on the file of Special Judge for trial of ACB Cases, Visakhapatnam and drop further action as he retired on 30.06.2011 and aged about 67 years and he is unhealthy; and also submitted that, his agricultural income and other sources of income has not been considered by the ACB authorities and if his income is taken into consideration, there would be no disproportionate of assets. Therefore, he has requested for withdrawal of prosecution & order for departmental inquiry.

9. In the reference 5th read above, while enclosing the representation, the DG, ACB was requested to examine the matter afresh considering the income of Rs.1,83,46,128 shown by the AO-1; and furnish revised report to Government. In reply, the DG, ACB, vide reference 6th read above, has stated that the Bureau filed Charge Sheet in the Court of Spl. Judge for APE & ACB Cases, Visakhapatnam on 17.3.2018 and the case was taken on file vide CC No.32/2018 and it is pending for trial. As such examining/offering remarks on the representation of the A.Os. does not serve any purpose at this stage as the matter is sub-judice.

10. Sri R.Kanaka Simhachalam, DBCWO (Rtd) has filed further representation dt.01-12-2019 before the Government for consideration of the facts narrated in the representation and to withdraw the prosecution & order for departmental inquiry in the matter.

11. Government, after examination of the matter in detail and taking into consideration of the representation of individual sympathetically, hereby order to conduct a departmental inquiry against Sri R.Kanaka Simhachalam, DBCWO (Rtd), instead of prosecution in a court of law.

12. The Director General, Anti Corruption Bureau is therefore requested to direct the concerned Public Prosecutor to withdraw the prosecution filed against Sri R.Kanaka Simhachalam, DBCWO (Rtd) in CC No.32/2018; and furnish the draft Article of Charges, statement of imputations etc., in the prescribed proforma in respect of the Accused Officer along with relevant documents to Government, immediately, for taking further action in the matter.

13. The Director General, Anti Corruption Bureau, Vijayawada is therefore requested to take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G ANANTHA RAMU
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Director General, Anti Corruption Bureau, Vijayawada.
Copy to:-
The Director of BC Welfare, A.P., Vijayawada.
The Secretary, A.P.V.C.
Sf/Sc.

// FORWARDED:: BYORDER//

SECTION OFFICER